

PATENT COOPERATION TREATY

REC'D 20 MAR 2006

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference C 762 PCT	FOR FURTHER ACTION See Form PCT/IPEA/416																									
International application No. PCT/SE2004/001827	International filing date (<i>day/month/year</i>) 08-12-2004	Priority date (<i>day/month/year</i>) 18-12-2003																								
International Patent Classification (IPC) or national classification and IPC See Supplemental Box																										
Applicant Pergo (Europe) AB et al																										
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </tbody> </table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand 01-07-2005	Date of completion of this report 10-03-2006
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/SE2004/001827
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Cover sheet

INTERNATIONAL PATENT CLASSIFICATION (IPC) :

E04F 15/02 (2006.01)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE2004/001827

Box No. I Basis of the report

1. With regard to the language, this report is based on:

the international application in the language in which it was filed
 a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
 international search (Rules 12.3(a) and 23.1(b))
 publication of the international application (Rule 12.4(a))
 international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

pages _____ as originally filed/furnished

pages* _____ as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the drawings:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to the sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/SE2004/001827

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>2-4, 6-16</u>	YES
	Claims	<u>1. 5</u>	NO
Inventive step (IS)	Claims	<u>10-11</u>	YES
	Claims	<u>1-9, 12-16</u>	NO
Industrial applicability (IA)	Claims		YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The claimed invention relates to a joint for a panel, the joint comprising a first edge and a second edge whereby the first edge comprises a groove and the second edge is provided with a tongue. The second edge further comprises an upper side groove, where a joining profile is provided with a tongue and an intermediate section, the joining profile being so configured so as to allowing it to be located in the upper portion of the joint between two joined, adjacent panels.

Reference is made to the following documents:

D1: PATENT ABSTRACT OF JAPAN

Vol 1996, no. 02,

29 February 1996 (1996-02-29)

& JP 7279366 A (MASAHIKO NIWA),

27 October 1995 (1995-10-27)

abstract

D2: PATENT ABSTRACT OF JAPAN

Vol. 1996, no. 08,

30 August 1996 (1996-08-30)

& JP 8086078 A (DANTANI PLYWOOD CO LTD),

02 April 1996 (1996-04-02)

abstract

D3: WO 02081843 A1

D4: FR 2810060 A1

D5: US 2003084636 A1

D6: SE 513189 C2

D7: DE 3304992 A1

D8: SE 514645 C2

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

D9: PATENT ABSTRACTS OF JAPAN
Vol. 1995, no. 11,
26 December 1995 (1995-12-26)
& JP 7229276 A (DANTANI PLYWOOD CO LTD),
29 August 1995 (1995-08-29)
abstract

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1 and discloses (the references in parentheses applying to this document): A joint for a panel (floor board), the joint comprising a first edge (2 at left) and a second edge (2 at right) whereby the first edge comprises a groove (11) and the second edge is provided with a tongue (12) wherein the second edge further comprises an upper side groove (14). A joining profile (9) is provided with a tongue (18) and an intermediate section, the joining profile (9) being so configured so as to allowing it to be located in the upper portion of the joint between two joined, adjacent panels (2).

Therefore the invention according to claim 1 is not novel in view of the prior known art.

In D1 the tongue (12) and the groove (11) are configured to limit the movement in a vertical direction between two adjacent panels.

Therefore the invention according to claim 5 is not novel in view of the prior known art.

The invention according to claims 2-4, 6-9, 12-16 seems to be obvious for a person skilled in the art, see D1, D2 (a joint for a floor board with a joining profile (14) with tongues (at 12) which seems to be flexible and with a play created in the joint), D3 (in particular claims 1, 5), D4 (in particular abstract, fig. 5, 7-8), D5 (in particular paragraph 0026, fig. 50) and D6 (in particular page 7).

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of BOX V

Therefore the claimed invention according to claims 2-4, 6-9, 12-16 is considered to not involve an inventive step. See also D7-D9.

The invention defined in claims 10-11 is not disclosed by any of these documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the claimed joint for a panel where a first groove edge surface will create a pressure on an outer edge of the joining profile when two adjacent panels are forced together, the pressure causing an intermediate section to be urged downwards. Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention defined in claims 10-11 is novel and is considered to involve an inventive step. The invention is industrially applicable.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 10-11 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. The following functional statements do not enable the skilled person to determine which technical features are necessary to perform the stated function. How can the first groove edge surface (16) create a pressure on an outer edge (36) of the joining profile (3) when two adjacent panels are forced together, the pressure causing the intermediate section (33) to be urged downwards?

Independent claim are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

Independent claims should therefore be redrafted accordingly. If, however, the applicant is of the opinion that the two-part form would be inappropriate, then reasons therefore should be provided in the letter of reply.